(Ireland.)

A

# BILL

TO

Make Provision for the Appointment of Registrars to the Masters of the Court of Chancery in Ireland, also for the safe Custody of Title Deeds and Documents lodged in the said Court; and to amend the Practice in certain Particulars.

Preamble.

WHEREAS by the Operation of the Acts of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Eighty-nine, and the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Ninety-two, additional Duties of a judicial and otherwise important Nature have devolved upon the Masters of the Court of Chancery in Ireland, by reason of which, novel Functions and a large Increase of general Business have arisen in their Offices: And whereas the Officers and Clerks now employed are unequal to the Performance of the Duties of such Offices, and it is expedient to provide for the Performance thereof by the Appointment of a Registrar to each of the said Masters: And whereas from Time to Time Deeds and Documents of Title of great Importance and Value are lodged in the

 said

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said Court, for the safe Custody of which no Provision has heretofore been made, and it is expedient to provide for the safe Custody of all such Deeds and Documents: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Official Staff of the Masters Offices.

I. The Official Staff of each of the Masters Offices shall consist of a Chief Clerk or Registrar, a Second Clerk, and a Junior Clerk, who shall respectively be under the Control of the Master, and perform such Duties as shall from Time to Time be prescribed to them severally by any General Orders to be made for that Purpose.

Appointment of Registrar and Clerks.

II. The Examiner at present attached to the Office of each of the Masters shall be and he is hereby appointed Chief Clerk or Registrar to such Master and his Successors in Office; the Assistant Clerk at present attached to the Office of each Master shall be and he is hereby appointed Second Clerk to such Master and his Successors in Office; and it shall be lawful for each of the said Masters to appoint a Person to be Junior Clerk in his Office and the Office of his Successors: Provided nevertheless, that when the Business in the Office of the Receiver Master other than Receivership Business shall be disposed of, the several Clerks now employed or hereafter to be employed in such Office shall perform all such Duties pertaining to the Office of such Receiver Master as shall from Time to Time be prescribed by any General Order of the Court for that Purpose.

Proviso as to Clerks in the Receiver Master's Office.

Masters, Registrars, and Clerks, to hold their Offices during good Behaviour.

III. Every Registrar and Clerk hereby appointed or to be appointed under this Act shall hold his Office during his good Behaviour, and so long as he shall personally give his Attendance upon his Duties, and shall conduct himself diligently and faithfully in the Discharge of his Duties, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered by Order made by him to remove any such Registrar or Clerk for some sufficient Cause to be stated in such Order.

Vacancies, how to be filled.

IV. When and so often as any Vacancy shall occur in the Office of Master's Registrar, or Second Clerk, such Vacancy shall be filled by the Clerk next in Seniority in the Office wherein such Vacancy shall occur to whom no sufficient Objection, to the Satisfaction of the Lord Chancellor, shall be made; and in all future Vacancies in the Office of Junior Clerk in each Office, the Master in whose Office such Vacancy shall occur shall appoint some fit and competent

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competent Person, whose Age shall not exceed *Twenty-eight Years*, to be such Junior Clerk.

Salaries of Master's Registrar and Clerks.

V. The Salary of the said Registrars shall be the yearly Sum of *Six hundred Pounds* each (the Salary at present payable to the said Examiners under the said recited Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Eighty-nine), and the Salary of the said Second Clerks shall be the yearly Sum of *Four hundred Pounds* each, and such respective Salaries shall be in lieu of the respective Salaries payable to the Masters Examiners and Assistant Clerks under the said recited Act of the Thirteenth and Fourteenth of Victoria, Chapter Eighty-nine, and the Salaries of the Junior Clerks shall be the yearly Sum of *Two hundred Pounds* each; and all the said Salaries shall be paid and payable out of such Funds, and on such and the same Quarterly Days, and under and subject to the same Regulations as to proportionable Parts at the Commencement and Termination thereof, as are provided for the Masters Examiners and Assistant Clerks by the said recited Act of the Thirteenth and Fourteenth of Victoria, Chapter Eighty-nine.

Master's Registrar and Second Clerk empowered to administer Oaths, &c.

VI. Every such Registrar and Second Clerk appointed or to be appointed under this Act shall have full Power and Authority, and they are hereby authorized, empowered, and directed, while they shall respectively hold their respective Offices, to administer Oaths, and to take Affirmations, Declarations, or Attestations of Honour, Examinations, or other Matters to be put in on Oath in the said Court of Chancery; and all Persons swearing, declaring, affirming, or attesting before any of such Persons so authorized to administer Oaths, and take Declarations, Affirmations, or Attestations of Honour, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the same had been sworn, declared, affirmed, or attested before any Person now by Law authorized to administer Oaths, and to take Declarations, and receive Affirmations.

Fees now payable in the Offices of Masters Examiners to be received by the Second Clerk.

VII. All Fees and Sums of Money heretofore payable to the Masters Examiners, or in their Offices respectively, shall from Time to Time be paid to the Masters Second Clerks appointed or to be appointed under this Act, who shall receive the same and keep true and accurate Accounts thereof, and shall pay and apply all Fees and Sums of Money so to be received by them respectively at the Times, subject to the Deductions for copying, and in the Manner provided for Payment thereof by the Masters Examiners by the said recited Act of the Thirteenth and Fourteenth Victoria, Chapter Eighty-nine,



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and the several Sums so from Time to Time paid into the Bank of Ireland to the Credit of the Accountant General of the said Court shall be placed to the Credit of the Account called "The Suitors Fee Fund Account."

Orders made by the Masters to be prepared in their Offices.

VIII. All Orders pronounced or made by the Masters shall be prepared in their Offices, and the same, when signed, shall be transmitted to the Office of the Registrars of the said Court of Chancery, there to remain of Record.

Examination of Witnesses in aid of Accounts transferred to Examiners in Chief.

IX. As the Duty of examining Witnesses in aid of Accounts, heretofore performed by the Masters Examiners, would interfere with the due and proper Discharge of their Duties as Registrars to the Masters, all such Examinations of Witnesses in aid of Accounts as heretofore were taken by the Masters Examiners, shall henceforth be taken by the Examiners in Chief of the said Court, who are hereby authorized and directed to take the same, subject nevertheless to such General Orders as may be made in relation thereto in pursuance of the before-recited Act of the Nineteenth and Twentieth of Victoria, Chapter Ninety-two.

Business relating to the Duties and Office of Receiver depending in the other Masters Offices to be transferred to Receiver Master's Office.

X. All Business relating to the Office of Receiver under the said Court of Chancery, or the Duties of such Office, and all Proceedings which relate to the Management or letting of Estates under the Control of the said Court, or incident thereto, depending in or attached to the Offices of the several Masters in Ordinary of the said Court other than the Receiver Master's Office, together with such Books and Documents relating to such Business as may be necessary for the Purpose, shall be forthwith transferred to the Office of the Receiver Master, who shall from thenceforth pass all Accounts and perform all such other Duties in relation to such Business, subject nevertheless to such Alterations and Amendments in the Practice as may be effected by any General Orders to be made in relation thereto in pursuance of the before-recited Act of the Nineteenth and Twentieth of Victoria, Chapter Ninety-two; and no Reference, save and except for Business of the above-mentioned Description, shall in future be made to such Receiver Master.

No further References except for Receiver's Business to be made to Receiver Master.

Lord Chancellor empowered to distribute Business pending in Receiver Master's Office, not being Receivership

XI. If it shall appear to the Lord Chancellor, after the Business mentioned in the preceding Section of this Act shall have been transferred to the Office of the Receiver Master, that any Inconvenience or Delay in such Business is occasioned in consequence of References depending in or attached to the Receiver Master's Office, not being Receivership Business of the Description in the preceding Section mentioned, such latter mentioned Business shall be distributed amongst

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amongst the other Masters of the said Court in such Manner as the Lord Chancellor shall think proper to direct.

Business, amongst the other Masters.

XII. When any Petition shall be preseuted to the said Court of Chancery with respect to any of the Branches of Jurisdiction specified in the Fifteenth Section of the Court of Chancery (Ireland) Regulation Act, 1850, or in any or such other Branches of Jurisdiction as have been or may hereafter be specified in any General Order made or to be made for that Purpose, it shall not be necessary to apply to the Lord Chancellor for a Summary Order to refer the Matter of such Petition to One of the Masters in Ordinary of the said Court; but every such Petition, on being filed in the proper Office, shall, as of course, stand referred to One of the Masters in Ordinary of the said Court in rotation without any Rule or Order of the said Court for that Purpose; and such Master shall have and exercise all such and the same Powers, Authority, and Jurisdiction in refereuce thereto as are provided in the said recited Act or any other Act in reference to the Petitions specified in the said Fifteenth Section of said Act, and shall have all such further Powers as are now vested in the Lord Chancellor or the Master of the Rolls for the Amendment of such Petitions, the Service or Substitution of Service of Notice or Process on Parties out of the Jurisdiction of the Court, or binding Persons by the Proceedings in such Suits or otherwise howsoever, save the Right of hearing Appeals from the Orders of the Masters in such Petition Matters as now existing.

Preliminary Hearings before the Lord Chancellor of Petitions filed under the Fifteenth Section of the Chancery Regulation Act abolished.

XIII. It shall be lawful for to appoint an Officer to be "Keeper of Deeds" in the said Court, and also to appoint a Clerk to assist such Keeper of Deeds in the Discharge of his Duties, who shall hold their respective Offices during good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties and shall conduct themselves diligently and faithfully in the due Execution of the Duties of their said Offices respectively, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered by Order made by him to remove any such Keeper of Deeds or Clerk for some sufficient Cause to be stated in such Order.

Power to to appoint a Keeper of Deeds, and a Clerk to assist him in discharge of his Duties.

XIV. The Salary of such Keeper of Deeds shall be the annual Sum of *Four hundred Pounds*, and the Salary of such Clerk shall be the annual Sum of *Two hundred Pounds*, and such Salaries shall grow due from Day to Day, but shall be payable under an Order of the Lord Chancellor on the First Day of January, the First Day of April, the First Day of July, and the First Day of October in every Year, or on such other Days as the Lord Chancellor shall from Time

Salaries to Keeper of Deeds and his Deputy.



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to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing to the Credit of the Accountant General of the Court of Chancery called "The Suitors Fee Fund Account."

Vacancies in the Offices of Keeper of Deeds and his Deputy, how to be filled.

XV. Whenever a Vacancy shall occur in the Office of Keeper of Deeds, the Clerk in such Office, provided no sufficient Objection to the Satisfaction of the Lord Chancellor shall exist thereto, shall succeed to such Office of Keeper of Deeds, and whenever a Vacancy shall occur in the Office of Clerk in such Office it shall be lawful for to supply such Vacancy by the Appointment of some proper Person thereto whose Age shall not exceed *Twenty-eight* Years.

Lord Chancellor to cause suitable Offices to be provided.

XVI. It shall be lawful for the Lord Chancellor to cause to be provided for such Keeper of Deeds and his Deputy a suitable Office or Offices, with all necessary and proper Depositories and Conveniences for the safe Custody of all Deeds and Documents committed to his Charge, and the Performance of the other Duties of his Office.

Deeds in the Offices of the Masters, &c. to be handed over to Keeper of Deeds.

XVII. All Deeds and Documents of Title in the Offices of the respective Masters in Ordinary of the said Court, or in any of the other Offices of the said Court (the Office of the Deputy Keeper of the Rolls excepted), shall, as soon as a proper and suitable Office or Depository shall have been provided for them, as in the preceding Section mentioned, be handed over to such Keeper of Deeds, and

All Deeds, &c. to be lodged in said Office.

all Deeds and Documents of Title hereafter to be brought into and deposited in the said Court of Chancery shall be lodged in such Office, subject nevertheless to the present or any future existing Practice of the Court in relation thereto.

Keeper of Deeds to keep Books, &c.

XVIII. The Keeper of Deeds shall keep or cause to be kept in his Office such Books for Reference, and perform all such Duties, in relation to his said Office, as shall from Time to Time be prescribed or directed by any General Orders of the Court, to be made for that Purpose, and all Parties entitled under any Rule or Practice of the Court shall have Access to, and be at liberty to inspect, the Deeds and Documents in such Office, at all reasonable Times during Office Hours.

Keeper of Deeds authorized to give Copies of Deeds, &c. to Persons entitled thereto.

XIX. It shall be lawful for such Keeper of Deeds from Time to Time to furnish to such Persons as may be entitled to and require the same, Copies of any Deeds or Documents lodged in his Office, and to charge for such Copies at the Rate of *Fourpence* per Folio of Seventy-

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Seventy-two Words (over and above any Stamp or other Duty by Law required to be affixed thereto), and he shall keep true and accurate Accounts of all Sums received by him for such Copies, and shall pay the same into the Bank of Ireland to the Credit of the Accountant General of the said Court once in every Month, after deducting thereout all Sums lawfully paid by him for copying such Deeds or Documents, at the Rate of *Three Halfpennies* per Folio of Seventy-two Words, the Amount so received and paid to be verified by his Affidavit, the Sums so paid in from Time to Time to be placed to the Credit of "The Suitors Fee Fund Account."

XX. It shall be lawful for the "Clerk of the Affidavits" in the said Court, and he is hereby fully authorized, empowered, and required, to administer Oaths, and to take Affidavits, Affirmations, Declarations, and Attestations of Honour to be put in on Oath in the said Court; and all Persons swearing, declaring, affirming, or attesting before such Clerk of Affidavits, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the same had been sworn, declared, affirmed, or attested before any Person now by Law authorized to administer Oaths and to take Declarations and receive Affirmations.

The Clerk of the Affidavits in the Court of Chancery empowered to administer Oaths, &c.

XXI. Affidavits, Affirmations, Declarations, and Attestations of Honour in Causes or Matters depending in the said Court of Chancery shall, so far as may be practicable or convenient, be sworn or made before the Officer in whose Office the same are to be filed or lodged, and they shall not after being so sworn or made be returned to the Custody of the Person who shall have sworn or made the same, or to any Solicitor or Agent; and when any such Affidavit, Affirmation, Declaration, or Attestation of Honour shall be sworn or made before any Officer of the said Court in whose Office the same is not to be filed or lodged, such Officer shall forthwith transmit such Affidavit, Affirmation, Declaration, or Attestation of Honour to the Office where the same is to be filed or lodged; and when any such Affidavit, Affirmation, Declaration, or Attestation of Honour shall be sworn or made before a Master Extraordinary in Ireland, or before a Master Extraordinary or Special Commissioner in England, such Master Extraordinary or Special Commissioner shall forthwith make up the same in a Parcel under Seal, and transmit the same by Post to the Officer in whose Office such Affidavit, Affirmation, Declaration, or Attestation of Honour is, according to the Rules and Practice of the Court, to be lodged or filed, first paying the Postage thereof, and charging the same to the Parties: Provided nevertheless,

Affidavits, &c. to be sworn, where practicable, before the Officer in whose Office they are to be filed not to be returned after being sworn;

Affidavits, &c. sworn before a Master Extraordinary or Special Commissioner, how to be returned.



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Proviso when Affidavits, &c. are not to be filed upon being sworn.

that if the Person who shall swear or make any such Affidavit, Affirmation, Declaration, or Attestation of Honour shall not at the Time of swearing or making desire it to be filed, he shall be at liberty to seal it up in an Envelope, and it shall so remain until he shall deem it convenient or necessary to file it.

Officers and Clerks appointed under this Act to be entitled to Retiring Allowances.

XXII. Every Officer and Clerk appointed or to be appointed under this Act shall be entitled to the like retiring Allowances, and upon the same Conditions as are, in the "Court of Chancery (Ireland) Regulation Act, 1850," provided in respect of the Officers and Clerks of the said Court of Chancery; and all the Provisions of the said Act relating to such Retiring Allowances, and the Abatements to be made from the Salaries and Official Incomes in the said Act mentioned, shall extend to and include the said Officers and Clerks, and their respective Salaries; and the said Retiring Allowances shall be paid out of the same Funds as are in the said Act specified, subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

Solicitors or Attornies appointed to any Office under this Act to be struck off the Roll.

XXIII. Every Solicitor or Attorney who shall be appointed to and shall accept Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at Dublin, on which his Name may be.

Interpretation of Act.

XXIV. In the Construction of this Act the Expression "The Lord Chancellor" shall mean the Lord Chancellor of Ireland, and shall include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of Ireland; the Expression "Master" shall mean a Master in Ordinary of the said Court.

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# Court of Chancery (Ireland).

A

# BILL

To make Provision for the Appointment of Registrars to the Masters of the Court of Chancery in Ireland, also for the safe Custody of Title Deeds and Documents lodged in the said Court; and to amend the Practice in certain Particulars.

(*Prepared and brought in by Mr. Whiteside and Mr. Napier*)

*Ordered, by* The House of Commons, *to be Printed*, 15 *May* 1837.

[Bill 15.]

*Under 2 oz.*

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